

## **REMARKS**

### **CLAIM REJECTIONS - 35 U.S.C. § 112**

Claims 1-14, 46-56, 74-78 and 80-83 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicant submits claims 1-14, 46-56, 74-78 and 80-83 comply with the enablement requirement, discussed in further detail below.

Claims 1, 46 and 76 have been amended to remove the limitation, “wherein the quality parameter is based on a ratio of signal statistics to error rate statistics.” The amendment renders the rejection moot.

Applicant has added the limitation, “and a propagation channel estimate of the wireless data transmission” to claims 1, 46, and 76. Support for this amendment can be found at least in Figs. 5-6 and in the specification on page 16, lines 6-9 and page 13, lines 9-14.

For at least these reasons, Applicant submits claims 1, 46 and 76 comply with 35 U.S.C. § 112, first paragraph. Claims 2-14 and 74 depend from claim 1. Claims 47-56 and 75 depend from claim 46. Claims 78 and 80-83 depend from claim 76. These dependent claims were rejected based on their dependence from the independent claims. Given that the independent claims, as amended, satisfy the enablement requirement, Applicant submits claims 2-14, 47-56, 74-75, 78 and 80-83 also comply with 35 U.S.C. § 112, first paragraph.

### **CONCLUSION**

In view of the amendments and remarks set forth above, Applicant submits that claims 1-14, 46-56 and 74-78 and 80-83 are in condition for allowance and such action is respectfully solicited. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number  
02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

Date: October 30, 2007

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I hereby certify that this correspondence is being submitted  
electronically via EFS Web on the date shown below.

Date: October 30, 2007

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